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SUBJECT: JAVIER SOLANA TO STEP DOWN THIS FALL: THE REPLACEMENT
PROCESS AND ITS UNCERTAIN CONTEXT
SUMMARY AND INTRODUCTION

¶1. Javier Solana recently told the Spanish press that he is "not planning to go any further" than his 10-year mandate (two terms of five years) as EU High Representative for the Common Foreign and Security Policy (CFSP). This is the first time that Solana has indicated clearly in public that he expects to step down this fall from the position he has held since it was established in 1999. His departure will mean the end of an era, all the more so since the (still uncertain) entry into force of the Treaty of Lisbon would involve changes in the position and the powers of Solana's "successor." This message explains the context and modalities of the replacement process. END SUMMARY AND INTRODUCTION.

¶2. Javier Solan's second five-year appointment as Secretary-General of the EU Council/High Representative for the Common Foreign and Security Policy (CFSP) for a period of five years with effect from October 18, 2004 (Decision of the EU heads of State and government, June 29, 2004). His mandate more or less coincides with that of the current Barroso Commission, whose term is due to be completed on October 31. However, due to persisting uncertainties about ratification of the Treaty of Lisbon, the mandate of the current Commission may be extended for a few weeks and the successor team may not take up office until the end of 2009/January 2010.

NO GOLD WATCH YET

¶3. Ireland is not expected to hold a second referendum on the Treaty of Lisbon until the beginning of October 2009. The Czch Republic, Poland and Germany have still to formally complete their domestic ratification process and to deposit their instrument of ratification - all of which will require a couple of months to complete. If all goes according to the stated "wish" of the European Council, the Lisbon Treaty could enter into force by the end of 2009. In this case, the member states may invite Solana to stay on for a transition period of a few more weeks alongside the Barroso Commission until the new High Rep/Commission Vice-President assumes duties with the next Commission.

¶4. If the Lisbon Treaty is rejected, Solana will still have to be replaced as Secretary-General/High Rep for CFSP and the timing of his succession (around October 18 or later) may be determined in consultations by the Swedish Presidency, the outgoing High Rep and his successor. Rejection of Lisbon also would force the EU to apply the current Treaty of Nice to the make-up of the new Commission. This requires a reduction in the number of Commissioners in the successor team. The modalities for implementing such reduction have never been decided by the Member State governments. A simple but not necessarily easy or generally acceptable way of solving the problem of the mandatory Commission reduction then would be for the EU governments to decide that the country of the new High Rep would not be entitled to nominate a Commissioneer but other options have been considered in the EU corridors.

LISBON CHANGES AND QUESTION MARKS

¶ 15. To be sure, the fate of the Treaty of Lisbon will affect the status of Solana's "successor." Lisbon's ratification implies the creation of the new position of High Representative of the EU for Foreign Affairs and Security Policy, combining most of Solana's current responsibilities as CFSP HighRep with those of the External Relations Commissioner (Benita Ferrero-Waldner's job). The mandate of the new High Rep, who will be a Vice-President of the Commission, also includes chairing the meetings of the new "External Relations Council" (currently the "External Affairs" session of the GAERC). The new High Rep would be supported in the performance of his/her duties by the (also to be created) European External Action Service (EEAS) grouping "officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States."

¶ 16. The ratification of the Treaty of Lisbon will also have an impact on the size and make-up of the new Commission. If the Irish vote "Yes" and ratification of Lisbon can be completed, the EU-27 will each retain the right to nominate a member of the next Commission. Solana's "successor" will thus be one of those members.

A TIGHT TIMETABLE FOR HORSE-TRADING

¶ 17. Assuming that the Commission Presidency vote takes place in September, the European Council meeting on October 29-30 would provide the opportunity for EU leaders to decide on appointments to the two new positions to be established under Lisbon: the Permanent President of the European Council (two and a half years, renewable once) and the High Representative of the EU for Foreign Affairs and Security Policy (five-year mandate).

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¶ 18. This timetable would give only a few weeks to the Swedish Presidency to consult with EU capitals on the appointments between a positive Irish vote and the formal decision by the European Council on the new top-level EU jobs, although speculation and bargaining will likely intensify before then. The fate of Jose Manuel Barroso, whose reappointment could face growing obstacles should the EP prove unable/unwilling to confirm him shortly after the EU summer break, could be a complicating factor if the issue of the Commission Presidency has not been solved by October. Even if the Commission Presidency issue has been solved by then, the incumbent's profile (e.g., political party affiliation, nationality, and personal characteristics) will be taken into account by the EU leaders when deciding on the holders of the new Lisbon positions.

CONCLUSION

¶ 19. In sum, the modalities of the forthcoming appointments to top-level EU jobs will definitely determine the final choice of a new EU leadership, especially if it comes down to a "package deal" to be struck this summer or later in the year. The EU governments will need to reach a political balance and negotiate personal trade-offs between party "families," big and small countries, North and South, as well as East and West. This could produce unpredictable results.

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